

111TH CONGRESS  
1ST SESSION

# S. 452

To ensure public access to Federal land and to the airspace over Federal land.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 2009

Mr. CRAPO (for himself and Mr. RISCH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To ensure public access to Federal land and to the airspace over Federal land.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Backcountry Landing  
5       Strip Access Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that aircraft landing strips—

8               (1) serve an essential safety function as emer-  
9       gency landing areas;

10              (2) serve as trailhead access points for—

1 (A) outdoor enthusiasts and their activi-  
2 ties, including hiking, fishing, and hunting;

3 (B) land management activities, including  
4 forest management and firefighting; and

5 (C) inholdings, including mining, ranching,  
6 scientific research, and tourism;

7 (3) provide access to national parks, national  
8 forests, wilderness areas, and other Federal land for  
9 people who would otherwise be physically unable to  
10 enjoy such places;

11 (4) support the economies of the surrounding  
12 communities by providing efficient access for visitors  
13 seeking recreational activities; and

14 (5) serve an essential role in search and rescue,  
15 forest and ecological management, research, wildlife  
16 management, aerial mapping, firefighting, and dis-  
17 aster relief.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) ADMINISTRATOR.—The term “Adminis-  
21 trator” means the Administrator of the Federal  
22 Aviation Administration.

23 (2) AIRCRAFT LANDING STRIP.—The term “air-  
24 craft landing strip” means an established aircraft  
25 landing strip located on Federal land under the ad-

1       ministrative jurisdiction of the Secretary that is for  
2       aircraft landing and departure activities.

3           (3) PERMANENTLY CLOSE.—The term “perma-  
4       nently close” means any closure lasting more than  
5       30 consecutive days in any calendar year.

6           (4) SECRETARY.—The term “Secretary”  
7       means—

8                   (A) with respect to land under the jurisdic-  
9       tion of the Department of the Interior, the Sec-  
10      retary of the Interior; and

11                   (B) with respect to land under the jurisdic-  
12      tion of the Department of Agriculture, the Sec-  
13      retary of Agriculture.

14   **SEC. 4. PROCEDURE FOR CONSIDERATION OF ACTIONS AF-**  
15                   **FFECTING CERTAIN AIRCRAFT LANDING**  
16                   **STRIPS.**

17       (a) IN GENERAL.—The Secretary shall not take any  
18      action that would permanently close, restrict, or render  
19      or declare as unserviceable any aircraft landing strip un-  
20      less—

21                   (1) the action has been approved by the head  
22      of the aviation department of the State in which the  
23      aircraft landing strip is located;

24                   (2) the Secretary publishes notice of the pro-  
25      posed action in the Federal Register, including no-

1       tice that the action would permanently close, re-  
2       strict, or render or declare as unserviceable the air-  
3       craft landing strip;

4           (3) the Secretary provides for a 90-day public  
5       comment period beginning on the date on which the  
6       notice under paragraph (2) is published; and

7           (4) the Secretary and the head of the aviation  
8       department of the State in which the affected air-  
9       craft landing strip is located have taken into consid-  
10      eration any comments received during the comment  
11      period described in paragraph (3).

12      (b) POLICIES.—

13           (1) BACKCOUNTRY AVIATION POLICIES.—Not  
14      later than 2 years after the date of the enactment  
15      of this Act, the Secretary of the Interior and the  
16      Secretary of Agriculture shall jointly—

17           (A) establish a national policy for gov-  
18      erning backcountry aviation issues relating to  
19      the management of Federal land under the ju-  
20      risdiction of the Department of the Interior and  
21      the Department of Agriculture; and

22           (B) require officials with jurisdiction over  
23      the land described in subparagraph (A) to ad-  
24      here to the policy established pursuant to such  
25      subparagraph.

1           (2) REQUIREMENTS.—Any policy affecting air  
2       access to an aircraft landing strip, including the pol-  
3       icy established under paragraph (1), shall not take  
4       effect unless the policy—

5           (A) acknowledges that the Administrator  
6       has the sole authority to control aviation and  
7       airspace over the United States; and

8           (B) was developed after seeking and con-  
9       sidering comments from State governments and  
10      the public.

11      (c) MAINTENANCE OF AIRSTRIPS.—

12           (1) IN GENERAL.—To ensure that aircraft land-  
13      ing strips are maintained in a manner that is con-  
14      sistent with the resource values of any adjacent  
15      area, the Secretary shall consult with—

16           (A) the head of the aviation department of  
17      each State in which an aircraft landing strip is  
18      located; and

19           (B) any other interested parties.

20           (2) COOPERATIVE AGREEMENTS.—The Sec-  
21      retary may enter into cooperative agreements with  
22      interested parties for the maintenance of aircraft  
23      landing strips.

24           (3) MAINTENANCE STANDARDS.—State aircraft  
25      landing strip maintenance standards shall be used as

1 the minimum standard when such standards are  
2 available.

3 (d) EXCHANGES OR ACQUISITIONS.—

4 (1) CONDITIONS.—If the Federal Government  
5 acquires private or public property on which an air-  
6 craft landing strip is located, the acquisition may  
7 not require—

8 (A) the closure or purposeful neglect of the  
9 aircraft landing strip; or

10 (B) any other action that would restrict  
11 the use of any aircraft landing strip.

12 (2) AVAILABILITY.—Each private or publicly-  
13 owned aircraft landing strip acquired by the Federal  
14 Government shall be made available to the general  
15 public for unrestricted use.

16 (e) EFFECT ON FEDERAL AVIATION ADMINISTRA-  
17 TION AUTHORITY.—Nothing in this Act may be construed  
18 to affect the authority of the Administrator over aviation  
19 or airspace.

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